

INDIAN AFFAIRS MANUAL

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Regulatory Affairs and Collaborative Action
Information Collection

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- 1.1 Purpose.** This chapter provides policy and procedures regarding the Paperwork Reduction Act (PRA) (44 U.S.C. § 3501 et seq.) and the Information Collection process. The PRA requires federal agencies to justify information collections to the Office of Management and Budget (OMB) to ensure the Federal government's request for information is not unduly burdensome on the public. An "information collection" can be in any format, including but not limited to: verbal requests, regulatory requirements, administrative forms, questionnaires, surveys, and other instruments, and record-keeping and reporting requirements. While an information collection is usually included as part of a new or amended regulation, this is not always the case.
- 1.2 Scope.** This policy applies to all functions under the authority of the Assistant Secretary-Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).
- 1.3 Policy.** It is the policy of Indian Affairs (IA) to comply with the PRA, OMB, and Departmental requirements for an information collection. Specifically, it is the Department's policy that Department and/or bureau collections of information will be structured so that they impose a minimal burden on the public.

No bureau or office may collect information from **ten or more persons** (or, if the information is being collected by means of a rule, from one or more persons) unless it is essential to a program and the collection of information has been approved by OMB.

All IA information collection justification packages will be coordinated through the AS-IA Office of Regulatory Affairs and Collaborative Action (RACA), and the Departmental Information Clearance Coordinator.

- 1.4 Requirements.** Before requiring or requesting information from the public, the PRA requires Federal agencies: (1) to seek public comment on proposed collections and (2) to submit proposed collections for review and approval by OMB.

OMB's Office of Information and Regulatory Affairs (OIRA) reviews agency information collection requests for approval or disapproval. When OMB approves an information collection, it assigns an OMB control number and expiration date that the agency must display on the information collection instrument. An information collection may be approved by OMB for up to three (3) years. See 381 DM 12 for a complete list of requirements.

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1.5 Authority.

A. Statutes.

1. Paperwork Reduction Act of 1995 (PRA) as amended (44 U.S.C. § 3501 et seq.)
2. 31 U.S.C. Sec. 1111 and 44 U.S.C. Chs. 21, 25, 27, 29, 31, 35

B. Regulations.

1. Title 5, Code of Federal Regulations, Part 1320, Controlling Paperwork Burdens on the Public (5 CFR 1320)

C. Guidance.

1. OMB Memorandum, Information Collection under the Paperwork Reduction Act, April 7, 2010
2. OMB Memorandum, Paperwork Reduction Act-Generic Clearances, May 28, 2010
3. OMB Memorandum, Web-based Interactive Technologies: Data Search Tools, Calculators, and the Paperwork Reduction Act, September 5, 2014
4. 381 Departmental Manual (DM) 11-13, Origination of Records and Information

1.6 Responsibilities.

A. **Assistant Secretary-Indian Affairs (AS-IA)** is responsible for ensuring that IA, including the offices under the AS-IA, BIA and BIE, establishes appropriate organizational arrangements and procedures, with adequate staffing and resources, to implement Departmental and OMB information collection requirements.

B. **Directors, BIA and BIE; and Deputy Bureau Directors** are responsible for ensuring the preparation and review of all paperwork related to information collection clearance packages/justifications related to or originating from BIA or BIE programs, and coordinating the information collection package with RACA.

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- C. **Office Directors and Deputy Directors** are responsible for ensuring the preparation and review of all paperwork related to information collection clearance packages/justifications related to or originating from IA programs, and coordinating the information collection package with RACA.
- E. **Director, RACA** is responsible for:
- 1) Developing, coordinating, and managing PRA Information Collection requirements for IA;
 - 2) Designating an appropriate official as the IA Information Collection Clearance Officer (ICCO) with the responsibility for implementing and managing the provisions of this chapter within IA, and designating an alternate to assist the IA ICCO and act in his or her absence. These designations and alternates will be reported to the Department's Chief, Division of Directives and Regulatory Management, Office of Management Improvement (PMI); and
 - 3) Establishing procedures for the systematic review of existing and proposed information collection requirements.
- F. **IA Information Collection Clearance Officer (ICCO)** is responsible for:
- 1) Disseminating to appropriate program officials within the bureau all instructions received from the Department relative to information collection;
 - 2) Responding to questions from bureau program officials about the requirements of the PRA or the information collection approval process;
 - 3) Working with the program offices to identify information collections and tailor information collections to impose the least amount of burden possible on the public in obtaining the information necessary to meet the program's mission;
 - 4) Reviewing all clearance packages originating in the bureau for conformance to Department and OMB guidelines;
 - 5) Monitoring OMB approval expirations throughout the year to ensure that approvals for information collections do not expire;

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- 6) Reviewing all proposed and final rulemaking documents to ensure that any collections of information they contain have been submitted to OMB for approval;
- 7) Coordinating with the Department's ICCO and OMB to obtain approvals for information collections; and
- 8) Reporting to the Department's ICCO, as required.

G. IA employees who propose to collect information from the public are responsible for:

- 1) Ensuring that the collection of information is approved by OMB;
- 2) Consulting with the IA ICCO during the preliminary development of the collection of information and during all steps of the approval process;
- 3) Working with the IA ICCO to respond to requests from the Department or OMB for information; and
- 4) Ensuring that OMB approval is renewed as necessary in a timely fashion.

1.7 Definition of "information" under the PRA. OMB regulations define "information" as "any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media." This category includes:

- 1) requests for information to be sent to IA, such as forms (e.g., the IRS 1040), written reports (e.g., grantee performance reports), and surveys (e.g., the Census);
- 2) recordkeeping requirements (e.g., OSHA requirements that employers maintain records of workplace accidents); and
- 3) third-party or public disclosures (e.g., nutrition labeling requirements for food).

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1.8 Other Definitions.

- A. See section 1.7 for the **“information”** definition.
- B. **“Collection of information”** or **“information collection”** means the obtaining or soliciting of information by an agency from ten or more persons in any given 12-month period by means of identical questions, whether the collection is mandatory, voluntary, or required to obtain a benefit. The "obtaining" or "soliciting" of information includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information.
- C. **“Burden”** means the total time, effort, or financial resources required to respond to a collection of information, including that needed to read or hear instructions; to develop, modify, or assemble any materials or equipment; to conduct tests, inspections, polls, observations, or the like, necessary to obtain the information; to organize the information into the requested format; to review its accuracy and the appropriateness of its manner of presentation; and to maintain, disclose, or report the information.
 - (a) The time and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the "burden" if the reporting or recordkeeping activities needed to comply are usual and customary.
- D. **“Ten or more persons”** refers to the persons to whom an information collection request is addressed by the bureau within any 12-month period, and to any independent entities to which the initial addressee may transmit the request during that period, including independent state or local entities and separately incorporated subsidiaries or affiliates, but not including employees of the respondent within the scope of their employment, or contractors engaged for the purpose of complying with the collection of information. Any recordkeeping or reporting requirement contained in a rule of general applicability is deemed to involve ten or more persons.

- 1.9 **Prerequisites for Collecting Information.** Per the Department’s policy, any bureau proposing to collect information from the public will follow these procedures before collecting the information:

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- A. Determine if information already held by IA, or organizations in or outside of the government, can satisfy its needs.
- B. Ensure that the information being collected is necessary for the performance of bureau functions and that thorough planning for the dissemination, use, storage, and disposition of the information has been completed.
- C. Consider less burdensome alternatives to the proposed information collection, such as sampling or reduced frequency of reporting.
- D. Ensure that the information collection imposes a minimum burden on individuals and small organizations.
- E. Ensure that the design and/or procedures for information collection are relatively simple, comprehensible, and logically arranged.
- F. Integrate the information collection with related activities sponsored by other bureaus or agencies in order to maximize the usefulness of information collected.
- G. Ensure the protection of privacy and the proprietary interests of respondents through proper application of bureau or Departmental requirements for compliance with the Freedom of Information Act, the Privacy Act and OMB Circular A-130.
- H. Actively seek public comment and views during the formulation of the collection of information.

1.10 Procedures for Obtaining Approval to Collect Information from the Public.

A. Each program office must:

- 1) Regularly review how it implements its program to identify information collections requiring OMB approval;
- 2) Notify and coordinate with the IA ICCO upon identifying an information collection, or otherwise determining the need to collect information from the public;
- 3) Prepare the information collection justification package, in the format provided by the IA ICCO, to justify the need for any information collection, identify what information is needed, how it will be collected, and estimate the costs and burden hours necessary to provide and collect the information;

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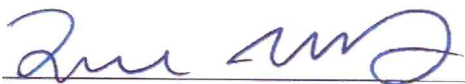
- 4) Develop any appropriate information collection instruments, in coordination with the IA ICCO;
- 5) Directly contact actual public respondents (for renewed approvals) or potential public respondents (for new approvals) for their input regarding the information collection.

B. The IA ICCO must:

- 1) Assist the program office in determining whether an information collection requires OMB approval;
- 2) Review draft IA regulations to identify information collections;
- 3) Guide the program office through the process to obtain OMB approval, including drafting the 60-day and 30-day Federal Register notices and regulatory preamble language soliciting public comment on the proposed information collection;
- 4) Provide signatory approval of the Federal Register notice(s) for an information collection (or request the RACA Director's signature);
- 5) Review the information collection justification package for sufficiency and direct the program office to address deficiencies;
- 6) Enter the necessary information into OMB's Regulatory Affairs Combined Information System (ROCIS) system;
- 7) Coordinate with the Department ICCO for approval;
- 8) Coordinate the submission of the information collection justification package to OMB.

An overview of the approval process, including a timetable for the preparation of clearance packages, is included as Attachment 1. Additional information can also be found on RACA's intranet website: http://inside.bia.gov/Org/AS-IA/ORM/PRA_IC/index.htm

Approval



Lawrence S. Roberts
Principal Deputy Assistant Secretary – Indian Affairs

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Date

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Attachment 1

Source: 381 DM 12

OVERVIEW OF THE INFORMATION COLLECTION PROCESS

Action	Timeframe	Comments
Decide to collect information	-----	Consider alternatives to collecting information; try to use existing information instead
Allow for information collection in the Information Collection Budget	Spring preceding fiscal year in which information will be collected	Develop rough estimate of burden (estimate should be generous); notify ICCO as soon as possible
Develop information collection	As early as possible	Work with ICCO to minimize burden of collection
Prepare clearance package	At least 5 months before information is to be collected	Follow instructions in Information Collection Handbook; work with ICCO
Submit clearance package to Department though ICCO	At least 120 days before information is to be collected	Make corrections as indicated by Department or OMB
OMB approval granted	Approximately 60 days after submission	If form is used, send copy with OMB number, expiration date, paperwork and burden statements to Department through ICCO
Collect information	Upon receipt of OMB approval	Renew OMB approval as necessary